

Application Serial No.: 09/898,886
Response B
Reply to Non-Final Office Action mailed June 29, 2005

REMARKS/ARGUMENTS

This Response is submitted in reply to the Office Action dated June 29, 2005, having a shortened statutory period set to expire September 29, 2005 wherein,

Claims 1, 2, 5-10, and 12-14 were previously pending;

Claims 1 and 9 were rejected; and

Claims 2, 5-8, 10, and 12-14 were objected to.

No claims have been added, canceled, or amendment by this response. Accordingly, claims 1, 2, 5-10, and 12-14 remain currently pending. No new matter has been entered by this reply.

Rejections under 35 U.S.C. §103

In the present Office Action, claims 1 and 9 were rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 6,826,004, issued to Albrecht et al., (hereinafter, "*Albrecht*") in view of Japanese Patent Application No. JP06068565A filed by Masanori Naruse (hereinafter, "*Masanori*"). While not conceding that either of the Examiner's cited references qualify as prior art but rather in the interest of expediting prosecution, Applicants have elected to traverse the Examiner's rejections as follows. Applicants reserve the right, for example in a continuation application, to establish that the Examiner's cited references do not qualify as prior art with respect to invention embodiments presently or subsequently claimed in the above-identified application.

With regard to Applicants' claims 1 and 9, the Examiner states in the present Office Action that *Albrecht* teaches a system for interfacing with and handling disk drives in an automated library having a drawer with a drawer connector, where the system comprising, "a disk driver carrier...a backplane connector...and an interface connector... [col. 12, lines 21-33]; a picking tool...interface means [col. 13, lines 34-45]...and control means... [col. 13, lines 45-58]." The Examiner further states however that "the applied reference" (i.e., *Albrecht*) has a common assignee with the present application, constitutes prior art with respect to the present

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application only under 35 U.S.C. 102(e), and that consequently, "This rejection under 35 U.S.C. 103(a) might be overcome by...showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a)."

In accordance with the Examiner's suggestion, Applicants have submitted herewith a copy of a declaration under 37 C.F.R. §1.131 previously-submitted by Applicants' representative on June 28, 2005, which includes the requisite statements under 35 U.S.C. §103(c) to disqualify *Albrecht* as prior art through 35 U.S.C. §102(e), (f), or (g) in the present obviousness rejection under 35 U.S.C. §103(a). As the Examiner has acknowledged that *Albrecht* qualifies as prior art only, if at all, under 35 U.S.C. §102(e), Applicants respectfully submit that the Examiner's rejection is traversed.

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CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that all pending claims are allowable and earnestly solicit notice thereof.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, such an extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0449**.

Respectfully submitted,



Justin M. Dillon
Registration No. 42,486
DILLON & YUDELL LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)

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